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UNCLAS QUITO 000417

SIPDIS

E.O. 12958: N/A

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SUBJECT: PROTEST MARCH SPURS DIALOGUE ON COURT ISSUE

REF: QUITO 390

1. (SBU) The peaceful February 16 protest march (reftel) has spurred new debate over whether to reverse Congress' packing of the judiciary in December, and has prompted alternative proposals to resolve the festering court controversy. Protest groups led by Quito mayor Paco Moncayo have announced they will send a list of demands/proposals to President Gutierrez and Congress shortly. GOE sources have indicated willingness to consider adding elements of this proposal to the president's referendum proposal, currently pending before Congress. Congressional opinion on the proposal remains divided, but there are already indications that dialogue has indeed begun across the aisles. We will continue to encourage dialogue and compromise to strengthen democratic institutions. End Summary.

2. (U) The Assembly of Quito, an ad-hoc group composed of municipal, civil society, and opposition political party representatives, which was formed to coordinate the February 16 protest march, is reportedly finalizing a manifesto to demand change in the courts. Quito mayor Moncayo described the demands during his address in San Francisco square, at the culmination of the protest: 1) congressional action to rescind its previous resolutions naming a new Supreme Court, Constitutional Court and Supreme Electoral Tribunal; 2) resignation of the deposed courts; 3) passage of a new law appointing a special ethical commission to nominate new justices, composed of civil society representatives; and 4) the naming of a new, politically-neutral court.

3. (SBU) After it became apparent that the protest march numbers would exceed expectations, GOE insiders privately indicated that President Gutierrez would seek dialogue with the opposition. Presidential Advisor Carlos Polit has since publicly expressed willingness to consider modifications to the President's pending referendum proposal, to permit citizens to choose between the president's proposed way forward (new electoral colleges composed of different civil society groups) and the Assembly's proposal. Press are already reporting signs of division (principally among independent members) within the pro-government congressional alliance on how to react to the opposition's proposals, which have not been formally received.

Comment

4. (SBU) We expect this issue to play out over at least the next several weeks, and discount the possibility of the congressional majority reversing itself in the near term. The GOE's willingness to dialogue is limited by its working alliance with the PRIAN, whose leader Alvaro Noboa has shown no flexibility on changing the status quo in newly-occupied judicial institutions. We will continue to urge dialogue and compromise to achieve democratic strengthening.
Chacon